



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2023-1120; Airspace Docket No. 23-AEA-09]

RIN 2120-AA66

Amendment of Very High Frequency (VHF) Omnidirectional Range (VOR) Federal Airway V-376; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action amends Very High Frequency (VHF) Omnidirectional Range (VOR) Federal airway V-376 by removing the Nottingham, MD (OTT), VOR/Tactical Air Navigational System (VORTAC) from the route description and replacing it with the Casanova, VA (CSN), VORTAC. This action is required due to the planned decommissioning of the Nottingham, MD (OTT), VORTAC as part of FAA's VOR Minimum Operational Network (MON) program. This action does not change the alignment, altitudes, or operating requirements of V-376. In addition, language is added to exclude the airspace within restricted areas R-6601A, R-6601B, and R-6601C.

DATES: Effective date 0901 UTC, August 10, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of this final rule, and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

FAA Order JO 7400.11G, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800

Independence Avenue SW, Washington DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it updates a navigational aid (NAVAID) used to describe VOR Federal airway V-376.

Background

VOR Federal airway V-376 currently extends from Richmond, VA, to the IRONS, MD, Fix. The IRONS Fix is identified by the intersection of the Richmond, VA (RIC), VORTAC 009° and the Nottingham, MD (OTT), VORTAC 238° radials. Because the Nottingham, MD (OTT), VORTAC is scheduled to be decommissioned, a radial from another suitable NAVAID must be substituted to identify the IRONS Fix. In this case, a radial from the Casanova, VA (CSN), VORTAC is already associated with the IRONS Fix in the FAA's National Airspace System Resource (NASR) database. Therefore, the Casanova, VA 100°(T)/106°(M) radial replaces the Nottingham 238° radial in the V-376 description. Note that only True degrees are stated in the route's regulatory description set forth below.

A review of airway V-376 shows that the route traverses restricted areas R-6601A, R-6601B, and R-6601C as well as R-6612. Therefore, the exclusionary language must be amended to add the additional restricted areas.

Incorporation by Reference

VOR Federal airways are published in paragraph 6010(a) of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by updating the NAVAID used in the description of VOR Federal airway V-376. Because the Nottingham, MD (OTT), VORTAC is scheduled for decommissioning, it must be removed from the airway description. This action removes “Nottingham, MD 238°” and replaces it with “Casanova, VA 100°”. In addition, a review of airway V-376 shows that the route traverses restricted areas R-6601A, R-6601B, and R-6601C. However, those restricted areas are not included in the exclusionary language of the route description. This action amends the exclusionary language by removing the words “The airspace within R-6612 is excluded” and replacing them with “The airspace within R-6601A, R-6601B, R-6601C, and R-6612 is excluded when active.”

This action consists of administrative changes only and does not affect the alignment, altitudes, or navigation along airway V-376. Therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of amending VOR Federal airway V-376 by removing the OTT VORTAC from the route description and replacing it with the CSN VORTAC due to the planned decommissioning of the OTT VORTAC does not change the alignment, altitudes, or operating requirements of V-376, and therefore, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. §§ 4321 et seq.) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points) and paragraph 5-6.5b, which categorically excludes from further environmental impact review “Actions regarding establishment of jet routes and Federal airways (see 14 CFR § 71.15, *Designation of jet routes and VOR Federal airways*)...”. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have

a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71--DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p.389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, effective September 15, 2022, is amended as follows:

Paragraph 6010(a) VOR Federal airways

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V-376 [Amended]

From Richmond, VA; to INT Richmond 009° and Casanova, VA 100° radials. The airspace within R-6601A, R-6601B, R-6601C, and R-6612 is excluded when activated.

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Issued in Washington, DC, on May 25, 2023.

Brian Konie,

Acting Manager, Airspace Rules and Regulations.

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